

Serial No. 09/978,276

Reply to Office Action of October 3, 2005

- 12 -

**REMARKS**35 USC § 103

In the Action, Examiner rejected claims 1-14 under 35 USC § 103(a) as being unpatentable over U.S. Publication No. 2002/0176370 to Ohba et al. ("Ohba") in view of U.S. Publication No. 2002/0093954 to Weil et al ("Weil", collectively, the "Cited References"). Applicant traverses the rejection as follows.

With respect to claim 1 for the invention, as amended, there is defined a method of configuring a communications path from a start node to an end node through a plurality of intermediate nodes. Among other things, claim 1 defines establishing a partial path using at least one communication link associated with a first routing scheme from the start node to a terminating node in the plurality of intermediate nodes, and if another communication link associated with the first routing scheme to a next-hop node does not exist, then requesting establishment of a secondary communications path associated with another routing scheme differing from the first routing scheme from the terminating node to the end node.

Meanwhile, in the Cited References, neither of the loop detection method described in Ohba nor the failure protection method described in Weil teach or suggest the feature of establishing a communication path having a partial path and a secondary communications path as per amended claim 1. Ohba's loop detection method and Weil's fault detection methods both describe operation on a multi-protocol label switching ("MPLS") domain in which communication paths are provided from node to node using MPLS. Amended claim 1 is therefore patentable over Ohba and Weil pursuant to 35 USC § 103(a). Since claims 2-5 as amended depend from claim 1, such dependent claims are also patentable over the Cited References.

123081-339759

Serial No. 09/978,276

Reply to Office Action of October 3, 2005

- 13 -

With respect to claim 6 for the invention, a method of establishing a signalled label switched path ("SLSP") in a multi-protocol label switching ("MPLS") communications network is defined. The method includes storing on each router of the MPLS network a list of SLSPs which egress at the router and which each such SLSP is associated with a forward equivalency class ("FEC") based on a network destination. Applicant respectfully disagrees with Examiner's reading of Ohba and suggestion that Ohba teaches this aspect of the claimed invention. Examiner refers to an "output side label" at page 8, paragraph 129 of Ohba in relation to this claimed feature, but this reference in Ohba merely describes the typical situation of exchanging and storing label information between nodes for LSPs; this is not at all suggestive of the storing a list of SLSPs that egress at any particular node, as per claim 6. Ohba merely describes a method for detecting loops in a label-switched path ("LSP"). As such, it is not at all directed to, nor does it teach, storing a list of egress SLSPs at each node in a MPLS network as per claim 6.

Additionally, Applicant disagrees with Examiner's characterization that Weil teaches the claimed feature of extending a corresponding listed SLSP to a new label distribution protocol ("LDP") peer router. Weil is understood to describe a failure protection system in a network in which network traffic may be switched to a predetermined recovery path when a primary path experiences a fault. In Weil, when a fault is experienced on the primary path, traffic is switched to the pre-determined recovery path, and new primary and recovery paths are calculated during a "protected state". See for example the abstract and paragraph 32 of Weil. This recovery path switching is very different from the SLSP extension features of claim 6. Firstly, the selection of an alternate path between two identical start and end nodes in Weil is not the same as the extension of an existing path from an old end node to a new end node when the new end node is identified, as defined in claim 6. Secondly, due to its operation following a fault along the primary path, the path calculations of Weil cannot contemplate the possibility of a downstream node on the primary path after the fault as a next-hop node. On the other hand, the method of

123081-339759

TDO-RED #8302658 v. 1

Serial No. 09/978,276

Reply to Office Action of October 3, 2005

- 14 -

claim 6 is not limited to fault detection. In claim 6, upon identifying a new LDP router, a given router then determines if the new LDP router is the next-hop router, and only if so, then extending any corresponding SLSP to the new LDP router from the given router. Thus, the claimed invention allows a previous next-hop node along the SLSP to be considered as a candidate for the "new" next-hop node, whereas by necessity such a node is excluded in Weil.

Still further, Weil differs in that it makes calculations of primary and recovery paths in its "recovery state" after a fault is detected. Conversely, as described above, in the claimed invention a decision on the next-hop node for a given node is made when a new node is identified. Claim 6 provides that any given router, *upon identifying a new LDP peer router*, then requests a routing task to identify the next-hop router, and *in the event that the new LDP peer router is identified as the next-hop router*, any corresponding SLSP is then extended to the new LDP from the given router. Weil's pre-determined recovery path is not the same as the method defined in claim 6. Thus, since the path extension features of claim 6 are neither taught nor suggested by Ohba or Weil, it is also patentable over the Cited References for at least this additional reason.

With respect to the remaining independent claims 7-11, there is defined a router or a method that defines either or both of the above-noted features of claim 6. For the same reasons as described above, Applicant respectfully submits that such claims are patentable over the Cited References.

Claim 12 has been amended to depend from new claim 9. Claims 13 and 14 depend therefrom, and new claims 15-20 (described *infra*) depend from new claims 6-11, respectively. In view of the above comments regarding independent claims 6-11, Applicant submits that such dependent claims are likewise patentable over the Cited References.

123081-339759  
TET SERVICES

Serial No. 09/978,276

Reply to Office Action of October 3, 2005

- 15 -

Applicant thus respectfully requests that Examiner reconsider and withdraw all rejections under 35 USC § 102(a). Exemplary support for the claim amendments provided herein is found in Figures 3, 6 and 7, and at paragraphs [0080] and [0105] to [0127].

#### New Dependent Claims

New dependent claims 15-20 are added herein. Exemplary support for such claims is found in Figures 3 and 6, and at paragraphs [0080], [0124] and [0127].

#### Other Claim Objections

Examiner objected that in claim 2, a colon is missing. Claim 2 has been re-written and Applicant submits that a colon is not required in the claim as re-written. Examiner also objected that the terms "to based" are unclear in claims 8 and 9. In the present amendment, the term "to" has been deleted, and Applicant submits that claims 8 and 9 as amended are clearly written.

#### 35 U.S.C. § 119 and MPEP § 608.1

Applicant acknowledges the requirement under 35 U.S.C. § 119 to submit a copy of the certified foreign priority application. Applicant is submitting a certified copy of the priority application under separate cover via courier.

Examiner objected to the specification at page 11, line 13 for containing an embedded hyperlink.. Applicant advises that it is the hyperlink itself, rather than the contents of the web-site referred to in the hyperlink, that is to be included in the present application. Applicant does not intend that the hyperlink be an active link. Pursuant to MPEP § 608.01, Applicant requests that the hyperlink be disabled when preparing the text of the application for loading onto the PTO web database. Applicant thus respectfully traverses the objection to the specification.

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Serial No. 09/978,276  
Reply to Office Action of October 3, 2005 - 16 -

No new subject matter is provided with the present amendments. In view of the above remarks, Applicant submits that the application is in condition for allowance. The Examiner is invited to contact the undersigned by telephone to discuss this case further, if necessary.

April 3, 2005

Date

Respectfully submitted



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